

Attorney for Debtor
Pia J. North, Esq. #29672
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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE: Misty D. Guard, Debtor
6403 Statute Street
Chesterfield, VA 23832

Case#: 16-35872
Lynne L. Tavenner, Trustee
Chapter: 7

Last 4 of SSN: xxx-xx-4097

MOTION TO EXTEND THE AUTOMATIC STAY

Comes Now, Debtor, Misty D. Guard, by Counsel, Pia J. North, Esq. and states the following in support of this Motion:

1. On, November 30 2016, the Debtor filed a Chapter 7 petition for relief in this Honorable Court (the “instant case”). Lynne L. Tavenner, Chapter 7 Trustee was appointed to serve as Chapter 7 Trustee in this case (the “Trustee”).
2. The Debtor, Misty D. Guard filed two previous bankruptcies, only one of which was filed in the last eight years: Case# 15-10185 was filed on January 20, 2015 and dismissed on April 13, 2016 upon the Debtor’s Motion to Dismiss. That case was pending within one year of the filing of this instant case, thus triggering the provision of 11 U.S.C. 362(c)(3). The Debtor has also filed a petition for relief under Chapter 7 on June 17, 2008 Case# 08-00938; that case was discharged on September 18, 2008.
3. The automatic stay will expire in the instant case on December 30, 2016, unless the Court extends the automatic stay pursuant to 11 U.S.C 362 (c)(3)(A) and (B).
4. The Debtor’s bankruptcy history does not indicate a lack of good faith. The Debtor had every intention of following through on her Chapter 13 bankruptcy plan when she filed her petition in January 2015. However, the plan subsequently became unaffordable when her expenses increased: Her child support obligation increased from \$500 to \$900 per month. Additionally, she moved and her monthly rent expenses increased from \$675 per month to \$1,500 per month. When it became clear to her that she would be unable to afford the Chapter 13, she consulted with her attorneys and they filed a Motion for Voluntary Dismissal. The Order dismissing the case was entered on April 13, 2016.

5. The only other case that the Debtor filed was a Chapter 7 petition that was filed in June 2008 which was more than eight years before the previous case. She is eligible to receive a Chapter 7 discharge.
6. The Debtor has filed this case in good faith. There has been a change of circumstances in that the Debtor is now eligible to file a Chapter 7 and no longer has the financial resources to support a Chapter 13 plan payment.
7. WHEREFORE, for the foregoing reasons, the Debtor respectfully requests that this Court enter an Order extending the automatic stay under 11 U.S.C. § 362 as to all creditors, as to the Debtor and the Debtor's property, and as to the property of the estate for the duration of this proceeding, or until such time as the stay is terminated under § 362 (c) (1) or (c) (2), or a motion for relief is granted under § 362(d) and for such other and further relief as to the Court shall be deemed appropriate.

Respectfully submitted:

Misty D. Guard

By: /s/ Pia J. North
Counsel

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NOTICE OF MOTION

Pia J. North, Attorney for the Debtor having filed papers with the court: Motion to Extend the Automatic Stay.

Your rights may be affected. You should read these papers carefully and discuss **them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the relief sought in the objection, or if you want the court to consider your views on the motion, then **on or before December 15, 2016**, you or your attorney must: File with the court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 E. Broad Street, Room 4000
Richmond, VA 23219

Office of the U.S. Trustee
701 E. Broad Street, Room 4304
Richmond, Virginia 23219

You must also mail a copy to:

Pia J. North
North Law
5913 Harbour Park Drive
Midlothian, VA 23112

Lynne L. Tavenner
20 North 8th Street; 2nd Floor
Richmond, VA 23219
LTavenner@tb-lawfirm.com

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

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NOTICE

PLEASE TAKE NOTICE that on **December 21, 2016 @ 10:00 a.m.** or as soon thereafter as is practical, we will appear before the Honorable Keith L. Phillips United States Bankruptcy Court, Eastern District of Virginia, Richmond Division, 701 E. Broad Street, Room 5100, Richmond, VA 23219 on the Debtor's Motion to Extend the Automatic Stay.

Misty D. Guard
BY: /s/ Pia J. North
Counsel

Certificate of Service

I hereby certify that I have on December 1, 2016, served by transmitting a true copy of the foregoing Motion to Extend the Automatic Stay, Notice of Motion and Notice of Hearing electronically through the Court's CM/ECF system or by first class mail, postage pre-paid to: Misty D. Guard, the Debtor, 6403 Statute Street, Chesterfield, VA 23832, the Trustee, the United States trustee and to all creditors and parties in interest on the attached mailing matrix

By: /s/ Pia J. North
Counsel

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AFFIDAVIT

I, Misty D. Guard declare under penalty of perjury that the information provided in the Motion to Extend the Automatic Stay is true and correct.

1. I have only filed two prior bankruptcies. The first bankruptcy was a Chapter 7 bankruptcy which was filed and successfully completed in 2008.
2. The only other bankruptcy I filed was a Chapter 13 Bankruptcy that I filed in January 2015. After I filed the case my expenses increased: When I moved to another town, my rent increased from \$675 per month to \$1,500 per month. Additionally, my monthly child support payment increased from \$500 per month to \$900 per month. Once I explained this situation to my bankruptcy lawyers, they filed a Motion to Dismiss my Chapter 13.
3. I believe that under the circumstances, it is best that I file a Chapter 7 bankruptcy.

Date: November 3, 2016

/s/ Misty D. Guard

Misty D. Guard

American Profit Recovery
34405 W 12 Mile Rd Ste 3
Farmington Hills, MI 48331

Capital One
Po Box 30285
Salt Lake City, UT 84130

Credit One Bank
Po Box 98873
Las Vegas, NV 89193

AT & T
P.O. Box 1954
Southgate, MI 48195

Cato Corporation
Po Box 34216
Charlotte, NC 28234

Credit One Bank Na
Po Box 98872
Las Vegas, NV 89193

Bass & Associates
2970 Peachtree Road, N.W.
Suite 622
Atlanta, GA 30305

Cato Corporation
Attn Bankruptcy/Credit Dept
8100 Denmark Rd
Charlotte, NC 28273

Credit One Bank Na
Po Box 98873
Las Vegas, NV 89193

BB & T
Recovery Dept
PO Box 580393
Charlotte, NC 28258

Cedar Financial
5230 Las Virgenes Rd Ste
Calabasas, CA 91302

Creekside Resort
41 Resort Drive
Basye, VA 22810

Bio Reference
481 Edward H. Ross Dr.
Elmwood Park, NJ 07407

Cedar Hill National Bank
PO BOX 37902
Charlotte, NC 28237

Direct TV
Post Office Box 78626
Phoenix, AZ 85062

Bull City Financial Solutions
2609 North Duke St. #500
Durham, NC 27704

Certegy Check Services, Inc.
11601 Roosevelt Blvd.
Saint Petersburg, FL 33716

Dish
PO BOX 94063
Palatine, IL 60094-4063

Caf/Carmax Auto Finance
Attn: Bankruptcy
Po Box 440609
Kennesaw, GA 30160

Cfw Credit & Collectio
Attn: Collections
19 N Washington St
Winchester, VA 22601

Diversified Consultants
POB 551268
Jacksonville, FL 32255

Calvary Portfolio Services
7 Skyline Dr
3rd Floor
Hawthorne, NY 10532

Check Systems
7805 Hudson Rd.
Suite 100
Woodbury, MI 55125

E.A. Hawse Health Center
17978 WV-55
Baker, WV 26801

Calvary Portfolio Services
500 Summit Lake Ste 400
Valhalla, NY 10595

ChexSystems
Attn: Consumer Relations
7805 Hudson Rd., Suite 100
Saint Paul, MN 55125

Equifax Check Services
Post Office Box 30272
Tampa, FL 33630-3272

Experian
Dispute Department
P.O. Box 4500
Allen, TX 75013

HC Processing Center
Po Box 829
Springdale, AR 72765

Midlothian Family Practice
1471 Johnston Willis Drive
Richmond, VA 23235

Experian
475 Anton Blvd
Costa Mesa, CA 92626

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P.O. Box 419404
Kansas City, MO 64141-6404

National Emerge
P O Box 15670
Brooksville, FL 34604

Fingerhut
6250 Ridgewood Road
Saint Cloud, MN 56303

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1107 West Main St., Suite 201
Durham, NC 27701

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Wilkes Barre, PA 18773

Fingerhut
6250 Ridgewood Rd
St Cloud, MN 56303

Julie Frazier, Esquire
56 East Main Street
Romney, WV 26757

Navient
Attn: Claims Dept
Po Box 9500
Wilkes-Barr, PA 18773

Gold Key Credit
Attn: Bankruptcy
Po Box 15670
Brooksville, FL 34604

Lagacy Vacation Club
Harbor Club Owners
P.O. Box 29352
Phoenix, AZ 85038

Ocean Club Villas II
105 120th Street
Ocean City, MD 21842

Grant Memorial Hospital
117 Hospital Drive
Petersburg, WV 26847

Legacy Vacation Club
201 Clubhouse Drive
Palm Coast, FL 32137

Ocean Sands Resort
580 Lynnhaven Parkway
Suite 101
Virginia Beach, VA 23452

Hahn Medical Practices, Inc
22347 northwestern pike
Romney, WV 26757

Legacy Vacation Club
2800 N. Poinciana Blvd.
Kissimmee, FL 34746

Patient Account Bureau
4366 Park Drive
Norcross, GA 30093

Harrisonburg OBGYN
2291 Evelyn Byrd Ave.
Harrisonburg, VA 22801

Mary Washington Health Care
2300 Fall Hill Ave
Fredericksburg, VA 22401

PHG Ironbridge
P.O. Box 281814
Atlanta, GA 30384

Hawse Health Center
17978 WV-55
Baker, WV 26801

Mary Washington Hospital
Post Office Box 7667
Fredericksburg, VA 22404

Potomac Edison
P.O. Box 3615
Akron, OH 44309-3615

Quantum3 Group LLC
PO Box 788
Kirkland, WA 98083

Telecheck Services Inc.
5521 Westheimer Road
Houston, TX 77056

Walden University
1000 S Washington Ave #900
Minneapolis, MN 55401

R. Scott Pugh, Esquire
9108 Courthouse Road
Spotsylvania, VA 22553

The Villas - Summer Bay Resort
17805 US 192
Clermont, FL 34714

Webbank/fingerhut
6250 Ridgewood Rd
Saint Cloud, MN 56303

Revenue Enterprises LLC
3131 S Vaughn Way Ste 426
Aurora, CO 80014

TransUnion
P.O. Box 2000
Chester, PA 19022

Williams & Fudge, Inc
300 Chatham Ave.
POB 11590
Rock Hill, SC 29731

Rockingham Medical Hospital
2010 Health Campus Dr,
Harrisonburg, VA 22801

University of Phoenix
4615 E. Elwood Street
3rd Floor
Phoenix, AZ 85040

Wayne Wolfe
10 Riverbed Lane
Moorefield, WV 26836

Rockingham Medical Hospital
P.O.Box 392
Harrisonburg, VA 22803

Us Dept of Ed
Great Lakes Educational Loan
Po Box 7860
Madison, WI 53707

Wayne T. Wolfe
10 Riverbed Lane
Moorefield, WV 26836

Royal Floridian
51 South Atlantic Avenue
Ormond Beach, FL 32176

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2401 International
Madison, WI 53704

Sentara Health Care
PO Box 1875
Norfolk, VA 23501

UVA Physician Group
4105 Lewis & Clark Drive
Charlottesville, VA 22911

Sherman Law Firm
255 West Main Street
Romney, WV 26757

Valley Credit Service, Inc
Po Box 2162
Hagerstown, MD 21742

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601 Nw 2nd St
Evansville, IN 47704

Verizon
500 Technology Dr Ste 30
Weldon Spring, MO 63304